

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE )  
KELLOGG COMPANY, GENERAL )  
MILLS, INC., and NESTLÉ USA, INC., )  
 )  
Plaintiffs, ) No. 1:11-cv-08808  
 )  
v. ) Judge Steven C. Seeger  
 )  
UNITED EGG PRODUCERS, INC., )  
UNITED STATES EGG MARKETERS, )  
INC., CAL-MAINE FOODS, INC., and )  
ROSE ACRE FARMS, INC. )  
 )  
Defendants. )

**PLAINTIFFS' RESPONSE REGARDING DRAFT JURY INSTRUCTIONS**

Plaintiffs respond to the draft jury instructions the Court's staff provided to the parties by email at 7:48 P.M., as supplemented by the Court's email at 9:28 P.M. on November 15, 2023.

Plaintiffs respectfully object to the language beginning with the paragraph that starts "To determine whether" on page 38 through the final bullet point on page 39, for the reasons stated in court. As an alternative to striking that language, Plaintiffs have suggested edits to establish that these lines relate to substitutability from the buyer's perspective.

Plaintiffs agree with the language the Court proposed in its 9:28 P.M. email regarding the Motive instruction on page 43. Plaintiffs have included the Court's language in the attached draft instructions.

Plaintiffs suggest minor edits to the Court's proposed draft instructions. These suggested edits are shown as "track changes", in the attached Exhibit A.

November 16, 2023

Respectfully submitted.

***Counsel for Plaintiffs Kraft Foods Global,  
Inc., General Mills, Inc., Nestl  USA, Inc. and  
The Kellogg Company***

/s/ Brandon D. Fox

Andrianna D. Kastanek  
Angela M. Allen  
Joel T. Pelz  
Michael T. Brody  
Christopher M. Sheehan  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654  
Tel: (312) 222-9350  
Fax: (312) 527-0484  
akastanek@jenner.com  
aallen@jenner.com  
jpelz@jenner.com  
mbrody@jenner.com  
csheehan@jenner.com

Brandon D. Fox  
Amy M. Gallegos (*admitted pro hac vice*)  
Sati Harutyunyan (*admitted pro hac vice*)  
JENNER & BLOCK LLP  
515 S. Flower Street  
Suite 3300  
Los Angeles, CA 90071  
Tel: (213) 239-5100  
Fax: (213) 239-5199  
bfox@jenner.com  
agallegos@jenner.com  
sharutyunyan@jenner.com